

# The Gazette of India



EXTRAORDINARY

PART II—Section 2

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## LOK SABHA

The following Bill was introduced in Lok Sabha on 3rd August, 1957:—

BILL No. 54 OF 1957

*A Bill to provide for the maintenance of certain essential services and the normal life of the community.*

Be it enacted by Parliament in the Eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Essential Services Maintenance Act, 1957. Short title,  
extent and  
duration.

5 (2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall cease to have effect on the 31st day of December, 1958, save as respects things done or omitted to be done before that date.

10 2. (1) In this Act,—

Definitions.

(a) “essential service” means—

(i) any postal, telegraph or telephone service;

(ii) any railway service or any other transport service for the carriage of passengers or goods by land, water or  
15 air;

(iii) any service connected with the operation or maintenance of aerodromes, or with the operation, repair or maintenance of aircraft;

(iv) any service connected with the loading, unloading,  
20 movement or storage of goods in any port;

(v) any service in any mint or security press;

(vi) any service in any defence establishment of the Government of India connected with the manufacture, storage or distribution of arms, ammunition or other military stores or equipment; 5

(vii) any service which the Central Government, being of opinion that strikes therein would prejudicially affect the maintenance of any public utility service or would result in the infliction of grave hardship on the community may, by notification in the Official Gazette, declare to be 10 an essential service for the purposes of this Act;

(b) "strike" means the cessation of work by a body of persons employed in any essential service acting in combination or a concerted refusal or a refusal under a common understanding of any number of persons who are or have been so employed 15 to continue to work or to accept employment.

(2) Every notification issued under sub-clause (vii) of clause (a) of sub-section (1) shall be laid before each House of Parliament as soon as may be after it is made, and shall cease to operate at the expiration of forty days from the re-assembly of Parliament unless 20 before the expiration of that period a resolution approving the issue of the notification is passed by both Houses of Parliament.

*Explanation.*—Where the Houses of Parliament are summoned to re-assemble on different dates, the period of forty days shall be reckoned from the later of those dates. 25

Power to prohibit strikes in certain employments.

3. (1) If the Central Government is satisfied that in the public interest it is necessary or expedient so to do, it may, by general or special order, prohibit strikes in any essential service specified in the Order.

(2) An Order made under sub-section (1) shall be published in 30 such manner as the Central Government considers best calculated to bring it to the notice of the persons affected by the Order.

(3) An Order made under sub-section (1) shall be in force for six months only, but the Central Government may, by a like Order, extend it for any period not exceeding six months if it is satisfied 35 that in the public interest it is necessary or expedient so to do.

(4) Upon the issue of an Order under sub-section (1),—

(a) no person employed in any essential service to which the Order relates shall go or remain on strike;

(b) any strike declared or commenced, whether before or after the issue of the Order, by persons employed in any such service shall be illegal.

4. Any person who commences a strike or remains or otherwise  
5 takes part in a strike which is illegal under this Act shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both. Penalty for illegal strikes.

5. Any person who instigates, or incites other persons to take  
part in, or otherwise acts in furtherance of, a strike which is illegal  
10 under this Act shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both. Penalty for instigation, etc.

6. Any person who knowingly expends or supplies any money in  
furtherance or support of a strike which is illegal under this Act  
15 shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both. Penalty for giving financial aid to illegal strikes.

5 of 1898. 7. Notwithstanding anything contained in the Code of Criminal  
Procedure, 1898, any police officer may arrest without warrant any  
20 person who is reasonably suspected of having committed any offence under this Act. Power to arrest without warrant.

14 of 1947. 8. The provisions of this Act and of any Order issued thereunder  
shall have effect notwithstanding anything inconsistent therewith  
25 contained in the Industrial Disputes Act, 1947, or in any other law for the time being in force. Act to override other laws.

## STATEMENT OF OBJECTS AND REASONS

The Federation of posts and telegraphs employees and certain other organisations of Central Government servants have given notice that they will go on strike from the midnight of 8th of August, 1957. Government have accepted their main demand for an enquiry into the structure and conditions of service of Central Government employees. In spite of this, however, these employees have persisted in and reiterated their intention to go on strike. It is necessary in this situation that Government should have power to meet the emergency created by such attempts and ensure the maintenance of essential services and the normal life of the community. The Bill is an enabling measure. It defines "essential services" and authorises the Central Government to prohibit strikes in such services. It declares prohibited strikes to be illegal and provides for penalties for persons participating in such strikes as well as for persons instigating or financing such strikes. The Bill is an emergency measure and it has been provided that it will remain in force for a limited period.

G. B. PANT.

NEW DELHI;

*The 1st August, 1957.*

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M. N. KAUL,  
*Secretary.*